

Appeal Decision

Site visit made on 15 December 2016

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 December 2016

Appeal Ref: APP/C1435/D/16/3159642

Browngate Cottages, Mayfield Road, Frant TN3 9HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Brann against the decision of Wealden District Council.
 - The application Ref WD/2016/1336/FR, dated 23 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is a vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been largely completed; this does not alter my approach to determining the merits of the proposal.
3. The Appellant specifically underlines that the gates and fencing related to the access and along the front garden do not form part of this proposal as they are being dealt with separately. The submitted material which I have does include in block plan form reference to a new 1.8 metre close boarded fence but no detail on gates or elevational drawings are presented. The Council includes reference to fencing and gates within its report and Decision Notice. However I do see from the Frant Parish Council response that there would appear to have been a separate planning application for the structure(s) (ref WD/2016/1335/FR). For my part I should only deal with the proposal as put forward by the Appellant – the access – any boundary treatment which requires planning permission is for separate jurisdiction. Whether planning application ref WD/2016/1335/FR – has been approved, refused or not determined is not pertinent to the case before me and its sole main issue.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

Highway safety

5. The appeal detached property is one of a scatter of homes in the countryside alongside the busy, classified, A267 Tunbridge Wells, or Mayfield, Road. The
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site is shallow one which runs alongside the road, narrowing towards the north-west end where the vehicular access is now in situ.

6. I noted from my visit that the road is well used and vehicles were generally travelling apace on this highway which has the national 60mph speed limit applying. The road is one of curved alignment and with vegetation or structures often restricting forward visibility. However in the case of this access the alignment is helpful from the hard-surface towards the north west in that it would appear something in the order of compliance with the Design Manual for Roads and Bridges 215m visibility from a setback point of 2.4m is achievable. Unfortunately this is far from the case in the other direction. My estimation would be that less than half the sought visibility is achieved and the Highway Authority representative puts a figure of approximately 80m on the sight line. The Appellant does not challenge that latter figure. Regrettably the shortfall in visibility would lead to a lack of safety for users of the access and the A267 and this would be of such severity that I simply could not condone the proposal.
7. Saved Policy TR3 of the adopted Wealden Local Plan (1998) and Policy SPO12 of the adopted Wealden Core Strategy Local Plan (2013) calls for, amongst other matters, satisfactory and safe development in a highway context. I conclude that the appeal scheme would not run contrary to this policy.

Other matters

8. I do sympathise with the difficulties the Appellant has to face in terms of vehicular parking and safe movement of the family. I can understand that the current arrangement of parking across the road is far from ideal for the reasons outlined by the Appellant. I hope that a satisfactory solution can be found with the principal parties working together. I do recognise that the Appellant thought a former access was to be re-opened and that planning permission would therefore not be needed. There is clearly some debate about whether such an access did exist but I have no great evidence before me and no remit to go into matters such as abandonment. I note that a long-expired consent did seemingly apply to another point on the other side of the house and not in this location. In any event a planning application has been made and the appeal rests with me for determination. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would have an unacceptable adverse effect on highway safety. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR